

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

LEE E. MOORE,)	CASE NO. C-1-00-0023
)	
Petitioner,)	Judge Dlott
)	
vs.)	Chief Magistrate Judge Merz
)	
BETTY MITCHELL, Warden)	
)	<i>DEATH PENALTY CASE</i>
Respondent.)	

**PETITIONER'S AGREED UPON MOTION FOR EXTENSION
OF TIME TO FILE HIS OBJECTIONS**

Now comes, Petitioner, by and through counsel and requests an extension of time in which to file his Objections. Petitioner respectfully requests an extension of fifty (50) days, up to and including April 26, 2007. Petitioner's counsel contacted Mr. Wille, Counsel for Respondent, and he has indicated that he will **agree** to this request for an extension of time. A Memorandum in Support of Petitioner's request is attached.

Respectfully Submitted,

/s/ Laurence E. Komp
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-and-

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COUNSEL FOR PETITIONER

MEMORANDUM IN SUPPORT

On February 15, 2007, this Court recommended the grant of habeas corpus on a single ground related to the ineffective assistance of counsel at the penalty phase. *See* ECF 128 (2/15/07) pp. 45-48. In the other portions of the one hundred and thirty-eight (138) page report and recommendation, this Court denied relief as to Petitioner's other claims. *Id.* Pursuant to Fed. R. Civ. P. 72(b) and 6 (e), Petitioner and Respondent must file any objections on or before March 7, 2007.

Petitioner's counsel have other case matters due within the same time frame that cannot be put aside. Further, within the required time frame, Petitioner will not be able to adequately present his objections, and thereby guard against a potential waiver. This request is not for purposes of delay.

Therefore, Petitioner requests an extension of fifty (50) days, up to and including April 26, 2007. **Petitioner's counsel contacted Mr. Wille, Counsel for Respondent, and he has indicated that he will agree to this request for an extension of time.**

WHEREFORE, Petitioner requests an extension of fifty (50) days, up to and including April 26, 2007.

Respectfully Submitted,

/s/ Laurence E. Komp
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed with and will be made available to Respondent via this Court's electronic filing system and pursuant to Loc. R. 5.2 this constitutes service.

/s/ Laurence E. Komp
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